

**REJECTION UNDER 35 U.S.C. §102(e):**

Claims 1-5, 11, 13 and 14 stand rejected under 35 U.S.C. §102(e) as being anticipated by Maruyama et al., U.S. Patent No. 6,385,389. This rejection is respectfully traversed.

By way of review and as an example, independent claim 1 sets forth a "recordable and/or rewritable recording medium to record data including a Lead-in area, a Lead-out area, and a user data area.

Independent claim 1 specifically sets forth that "upon the finalization for writing on the Lead-in area and the Lead-out area has been completed, the recording medium is set to a write protection state ensuring the protection of the data recorded on the recording medium from unwanted overwriting or erasing."

The Office Action sets forth that Maruyama et al. discloses all the features of independent claim 1. Applicants respectfully disagree.

It is respectfully submitted that Maruyama et al. at least fails to disclose the claimed setting of the recording medium to a write protection state **"upon the finalization for writing on the Lead-in area and Lead-out area."**

Regarding this claimed feature, the Office Action merely indicates that "upon finalization for writing on the Lead-in area and the Lead-out area," the recording medium 10 of Maruyama et al. "is set to a write protection state (Archive Flag)." The Office Action thereafter cites Maruyama et al. in FIG. 17 and col. 19, lines 50-54.

The corresponding portions of Maruyama et al. merely sets forth that an "archive flag" of Maruyama et al. is used to prevent an unwanted overwriting or erasing. The setting of an archive flag in Maruyama et al. is unrelated to the finalization for writing on the Lead-in area or the Lead-out area. In addition, Maruyama et al. further fails to detail that any "write protection state" of the recording medium is set. Rather, Maruyama et al. merely indicates that an archive flag can be used to protect individual files or programs.

This misunderstanding of what Maruyama et al. discloses regarding an archive flag may be a result of a typo in FIG. 8 of Maruyama et al.

FIG. 8 of Maruyama et al., at the top of the figure, illustrates that a disc can be physically divided into three portions, a Lead-in area 27, a volume space 28, and a Lead-out area 26. Maruyama et al. also clearly sets forth that "[t]he area between lead-out and lead-in areas 26 and 27 is defined as data recording area 28." Maruyama et al. in col. 5, lines 13-15. FIG. 8 of Maruyama et al. proceeds to illustrate many different levels of data structure, beginning from

information stored in the Data Area (DA), to Computer Data Areas DA1, Audio and Video Data Area DA2, and Computer Data Area DA3, all the way to the specified program chains set forth at the bottom of the figure.

Maruyama et al., in col. 19, lines 45-55, sets forth that an archive flag that may serve to prevent erase errors is stored in a VTSI\_MAT management table, and lines 25-29 of the same column further indicate that VTSI\_MAT is stored in a VTSI 94, which is "set at the beginning of video title set VTS 72." In addition, Maruyama et al., in col. 9, lines 15-20, clearly sets forth that the video title sets VTS#1 to VTS#n are associated with element identifier "72."

Going back to FIG. 8, VTSI 94 is illustrated as deriving from a VTS#n file, which is, as noted above, included in video title sets 72. However, in contrast to what the specification clearly sets forth, an element identifier in FIG. 8, above "VTS#1," illustrates a "27" element identifier. This must be an error, such as a mistaken transposing of the proper element identifier "72," which as noted above, corresponds to video title sets VTS#1 to VTS#n.

Thus, while FIG. 8 may indicate that title sets VTS#1 to VTS#n are included in a area "27," they are not stored in the Lead-in area 27.

Therefore, Maruyama et al. does not disclose the storing of write protection information in the Lead-in area. Rather, the archive flag of Maruyama et al. is stored in a particular data structure in the data recording area 28.

The rejection of the claimed setting of a write protection state of the recording medium upon the "finalization" of the writing of the Lead-in and Lead-out areas would appear to only rely on this aforementioned misunderstanding of Maruyama et al. However, as noted above, the setting of any archive flags in Maruyama et al. is unrelated to the Lead-in area or the Lead-out area.

In addition, the Office Action also has failed to address the particularly claimed feature of the setting of a write protection state of the recording upon the completion of a "finalization" of writing of the Lead-in and Lead-out areas. Further, Maruyama et al. does not even appear to disclose anything related to write protection regarding a finalization of the writing of the Lead-in and Lead-out areas. The present application, on page 19, sets forth "'finalization' means the completion of writing in the Lead-in area and the Lead-out area as well as in the user data area, of a once-writable DVD-R disc." Maruyama et al. would not appear to disclose anything related to either the claimed "finalization" or the claimed setting of a write protection state of a recording medium.

Similarly, independent claim 4 sets forth structural limitations in the preamble of the "recording medium...[being] set to a write protection state...when the finalization for writing on the Lead-in area and the Lead-out area has been completed." When the preamble accords structure to the claim, the preamble must be considered, as well as the remaining features of the body of the claim.

Maruyama et al. only sets forth that each file or program can be protected from unwanted erasure or overwriting. Maruyama et al. does not set forth that an entire recording medium can be set to a write protection state. Maruyama et al. does not appear to disclose anything related to setting a write protection state based upon a completion of finalization.

Further, independent claim 4 further requires that the writing of data on the recording medium is prohibited when the state of the recording medium is in the write protection state. Maruyama et al. would not appear to disclose or suggest this claimed feature.

Lastly, it is noted that in rejecting claims 4 and 5, under this §102 rejection, the Office Action sets forth that "method claims 4 and 5 correspond to apparatus claims 1 and 2 [which] are rejected for the same reasons of anticipation (**obviousness**) as used above." It is not clear how the claims, 1, 2, 4 or 5 are being rejected based upon this recitation. If an obviousness rejection is purportedly being utilized to reject any of these claims, the Office Action has failed to provide any arguments regarding the same.

Similar to the above discussions regarding independent claims 1 and 4, independent claim 11 sets forth "the recording medium is set to a write protection state ensuring the protection of the data recorded on the recording medium from unwanted overwriting or erasing, **when the finalization for writing on the Lead-in area and the Lead-out area has been completed.**" Therefore, the above remarks are also equally applicable here regarding independent claim 11.

Therefore, for at least the above, it is respectfully requested that this rejection of independent claims 1, 4 and 11 be withdrawn and independent claims 1, 4 and 11 be allowed. For at least the above reasons, it is respectfully submitted that claims depending from independent claims 1, 4 and 11 are also in proper condition for allowance.

**REJECTION UNDER 35 U.S.C. §103(a):**

Claims 8 and 12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Maruyama et al. in view of Ito et al., U.S. Patent No. 6,243,340. This rejection is respectfully traversed.

It is respectfully submitted that claims 8 and 12 are at least allowable for depending from allowable independent claims.

Further, by way of review and as an example, claim 8, which depends from independent claim 4, sets forth "wherein the recording medium is positioned in a case or cartridge having a write inhibit hole for write protection." Claim 12, which depends from independent claim 11, sets forth a similar feature, with differing scope and breadth.

The Office Action sets forth that Ito et al. discloses a cartridge with a write protection switch.

From that conclusion of what Ito et al. discloses, the Office Action proceeds to state:

"[h]ence, when there is a motivation of preventing error writing on Maruyama's recording medium, it would have been obvious...to store Maryuama's recording medium in a cartridge such as Ito's, because Ito's case has a write protection switch which...does not allow data stored in the medium [to be] overwritten."

Thus, it would appear that this rejection is premised on the fact that:

- a) Ito et al. discloses the use of a cartridge with a write protection switch;
- b) Ito et al. uses a write protection switch to prevent unwanted erasing or overwriting; and
- c) Maruyama et al. uses an archive flag in the recording medium for the same reasons as Ito et al., i.e., to prevent unwanted erasing or overwriting.

From these premises, the Office Action concludes that since both Ito et al. and Maruyama et al. include a form of write protection, for the same rationale (to prevent unwanted erasing or overwriting), it would have been obvious to use the write protection switch of Ito et al. with the recording medium disclosed in Maruyama et al.

However, regardless of their individual motivations, a prima facie obviousness rejection must set forth **why one skilled in the art would have been led to incorporate the write protection switch cartridge of Ito et al. in Maruyama et al.** The fact that both references

include write protection systems does not support the conclusion that one skilled in the art would thereby have been led to use the write protection switch of Ito et al. with Maruyama et al. Regardless of what each reference discloses, there still must be a reason for their combination, i.e., something that would lead one skilled in the art to make such a combination or modification.

Maruyama et al. sets forth a particular system that already has a write protection system built into its data structure. There would not appear to be any need in Maruyama et al. for a cartridge with a write protection switch. Therefore, there would not have been motivation for such a combination.

Therefore, it is respectfully requested that this rejection of claims 8 and 12 be withdrawn and claims 8 and 12 be allowed.

**CONCLUSION:**

In accordance with the foregoing it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art.

If the Examiner has any remaining informalities to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such informalities.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 1/23/03

By: 

Stephen T. Boughner  
Registration No. 45,317

700 Eleventh Street, NW, Suite 500  
Washington, D.C. 20001  
(202) 434-1500